

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07

FRB-03 INR-07 NSAE-00 CIEP-01 SP-02 STR-04 TRSE-00

LAB-04 SIL-01 SAM-01 OMB-01 DODE-00 PM-04 H-02 L-03

NSC-05 PA-01 PRS-01 SS-15 USIA-06 SAJ-01 /088 W

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FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 2159

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

USMISSION EC BRUSSELS

C O N F I D E N T I A L USBERLIN 0559

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, GW, UR, EC

SUBJECT: EC COURT GROUP'S MEETING IN BERLIN

REF: USBERLIN 0438

1. SUMMARY: INFORMAL CONSULTATIONS IN BERLIN OF AN EC COURT GROUP HAVE DRAWN FAIRLY EXTENSIVE AND SOMEWHAT MISLEADING COVERAGE IN LOCAL PRESS. WE WOULD EXPECT SOVIETS WILL EVENTUALLY MAKE PROTEST, AND WE ARE SUGGESTING CONTINGENCY ANSWER THAT MIGHT BE USED BY CHAIRMAN POLAD TO TRY TO HANDLE MATTER ON THE SPOT.
END SUMMARY:

2. INFORMAL CONSULTATION OF EC COURT CHAMBER IN REICHSTAG BUILDING MARCH 14-15 WITH BUNDESKARTELLAMT (REFTEL) DREW FAIR AMOUNT OF LOCAL PRESS INTEREST WITH
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EMPHASIS ON INTEGRATION OF CITY IN EC. TAGESSPIEGEL

REPORTED EVENT MARCH 16, FOR EXAMPLY, UNDER HEADLINE "EUROPEAN COURT IN BERLIN" AND WITH ACCOMPANYING PHOTOGRAPH OF COURT PRESIDENT LECOURT AND BUNDESKARTELLAMT CHIEF GUENTHER. PAPER SAID THAT COURT, LOCATED IN LUXEMBOURG AND BEFORE WHICH "ALL CITIZENS OF EC STATES CAN MAKE APPEALS," HAD "HELD FIRST SITTING IN BERLIN." MAJOR PURPOSE OF SESSION, ACCORDING TO PAPER, WAS TO DISCUSS MONOPOLY QUESTIONS WITH FRG'S BUNDESKARTELLAMT LOCATED IN BERLIN. PAER QUOTED GUENTTHER AS SAYING COURT WAS PATICULARLY INTERESTED IN EXPLORING EFFECT OF FRG ANTI- MONOPOLY LAWS AND CHIEF OF EC'S BERLIN INFORMATION OFFICE AS SAYING THAT DISCUSSION ALSO COVERED QUESTIONS OF COMPETITION LAW IN THE EC WHICH THE EUROPEAN COURT HAD BEEN DEVELOPING IN RECENT DECISIONS.

3. GOVERNING MAYOR SCHUETZ, WHO HOSTED LUNCHEON, WAS QUOTED AS DESCRIBING SESSION AS "NATURAL AND NORMAL MATTER SINCE THE JURISDICTION OF THE COURT ALS EXTENDS TO BERLIN," AND THAT COURT HAD ALREADY DEMONSTRATED THIS IN NUMBER OF DECISIONS IN WEST BERLIN CASES. SCHUETZ URGED A DEEPENING OF TIES BETWEEN COURT AND CITY. SENATOR FOR JUSTICE OXFORT MADE SIMILAR REMARKS TO GROUP.

4. EXTENT OF PUBLICITY, FACT THAT VISIT OF JUDGES WAS DESCRIBED AS SOMEWHAT MORE FORMAL OCCASION THAN SIMPLE EXCHANGE OF INFORMATION IT REALLY WAS, AND QUOTED REMARKS OF BERLIN OFFICIALS MAKE IT LIKELY IN OUR VIEW THAT SOVIETS WILL FEEL COMPELLED TO PROTEST ONCE THEY HAVE DIGESTED PRESS ACCOUNTS. MOST LIKELY CHANNEL IS SOVIET EMBASSY (KHOTULEV) TO CHAIRMAN POLAD (FRENCH). WE ARE SUGGESTING TO ALLIED MISSIONS THAT A GENERAL CONTINGENCY RESPONSE BE AGREED UPON IN EFFORT TO HANDLE SUCH A PROTEST ON THE SPOT. BONN GROUP COULD, OF COURSE, REVIEW ACTUAL EXCHANGE AND DETERMINE IF MORE FORMAL REPLY WAS REQUIRED. FOLLOWING ARE GENERAL TALKING POINTS WE ARE PROPOSING BE HELD IN RESERVE BY CHAIRMAN POLAD:

--ALLIES HAVE ON NUMBER OF OCCASIONS MADE CLEAR THEIR POSITION ON THE RELATIONSHIP OF THE EC TO BERLIN.
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THE EC TREATIES HAVE BEEN EXTENDED TO BERLIN SUBJECT TO APPROPRIATE RESERVATIONS FOR ALLIED RIGHTS AND RESPONSIBILITIES. THE ACTIVITIES OF THE EUROPEAN COURT WITH RESPECT TO BERLIN ARE GOVERNED BY THESE TREATIES AND SUBJECT TO THESE RESERVED RIGHTS AND RESPONSIBILITIES.

--THE ALLIES WERE AWARE OF THE VISIT TO BERLIN OF THE

COURT OFFICIALS AND CONSIDER IT TO BE FULLY CONSISTENT
WITH THE QUADRIPARTIE AGREEMENT.

--INCIDENTALLY, THE VISIT WAS MORE IN THE NATURE OF
INFORMAL CONSULTATIONS TO EXCHANGE INFORMATION THAN A
FORMAL SESSION TO CONDUCT OFFICIAL COURT BUSINESS AS
REPORTED IN SOME PRESS ACCOUNTS.

5. IN THE EVENT THAT A SOVIET STATEMENT INCLUDED AN
ATTACK ON THE LEGALITY OF THE BUDESKARTELLAMT'S PRESENCE
IN BERLIN, WE ARE SUGGESTING THAT THE CHAIRMAN
POLAD NOTE ADDITIONALLY THAT THE ALLIES HAVE FREQUENTLY
MADE CLEAR THEIR POSITION WITH RESPECT TO THE LOCATION
AND OPERATION IN BERLIN OF FEDERAL OFFICES. THERE IS NOTHING
ADD TO THOSE EARLIER STATEMENTS. WE CONSIDER THOSE
OFFICES TO BE IN NO WAY IN VIOLATION OF THE QUADRIPARTITE
AGREEMENT. GEORGE

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